

**From:** Michal Ostrowski  
**To:** Microsoft ATR  
**Date:** 12/9/01 3:48pm  
**Subject:** Microsoft Settlement

To Whom It May Concern:

I am writing to express my concerns regarding the proposed Final Judgment in the anti-trust case against Microsoft Corporation.

I am writing in my capacity as an open-source software developer and contributor, having participated in the development of networking functionality in the Linux operating system.

My concerns regarding the proposed Final Judgement are many, though I will use this opportunity to express my most fundamental concern: the proposed Final Judgement makes no provisions for Microsoft to disclose APIs to individuals participating in Open-Source software development.

Open-Source software poses the most significant threat to Microsoft's monopoly in personal-computer operating systems. Consequently the greatest hope for restoring a competitive balance in the operating-systems marketplace is by ensuring that Open-Source developers have the ability to produce software compatible with Microsoft APIs, networking and authentication protocols.

The proposed Final Judgement requires Microsoft to disclose programming interface information to certain classes of entities (commercial entities involved in commercial software and hardware development), none of which include Open-Source software developers such as myself.

Furthermore, the proposed Final Judgement does not specify the terms under which Microsoft is required to provide programming information. Consequently Microsoft may provide such information to developers under terms that forbid software developed with that information to be publicly distributed in source-code form.

Should these concerns not be addressed, Open-Source software developers such as myself will be precluded from developing open-source software compatible with Microsoft software due to the lack of availability of information concerning APIs and/or the inability to publish Open-Source software utilizing Microsoft APIs due to licensing restrictions imposed by Microsoft.

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